

Mr. Floyd moved to reconsider the vote by which HB 378 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

HB 396 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 396, A bill to be entitled An Act relating to including armed services personnel as eligible for resident hunting licenses under certain conditions; amending Section 1, Chapter 370, Acts of the 55th Legislature, Regular Session, 1967 (Article 895c, Vernon's Texas Penal Code); and declaring an emergency.

The bill was read second time and was passed to engrossment.

Mr. Harding moved to reconsider the vote by which HB 396 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

Mr. Cavness requested to be recorded as voting Nay on the passage to engrossment of HB 396.

ADJOURNMENT

Mr. Sherman moved that the House adjourn until 10:00 a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 12:08 p.m., adjourned until 10:00 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by Committees on bills and resolutions, as follows:

Engrossed and Enrolled Bills: Correctly engrossed—HB 84, HB 207. Correctly enrolled—HCR 35, HCR 36, HB 213.

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 16, 1971

The House met at 10:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Denton	Jungmichel	Reed
Adams	Doran	Kaster	Rosson
Agnich	Doyle	Kilpatrick	Salem
Allen, Joe	Dramberger	Kost	Salter
Allen, John	Earthman	Kubiak	Sanchez
Angly	Farenthold	Lee	Santiesteban
Atwell	Finck	Lemmon	Schulle
Atwood	Finnell	Lewis	Semos
Bass, B.	Finney	Lombardino	Shannon
Bass, T.	Floyd	Longoria	Sherman
Beckham	Foreman	Lovell	Short
Bigham	Gammage	McAlister	Silber
Blanton	Garcia	Mengden	Simmons
Blythe	Golman	Moncrief	Slider
Bowers	Grant	Moore, A.	Smith
Boyle	Graves	Moore, G.	Solomon
Braecklein	Hale	Moore, T.	Spurlock
Braun	Hanna, Joe	Moreno	Stewart
Burgess	Hannah, John	Murray	Stroud
Bynum	Harding	Nabers	Swanson
Caldwell	Harris	Nelms	Tarbox
Calhoun	Hawkins	Neugent, D.	Traeger
Carrillo	Hawn	Newton	Truan
Cates	Haynes	Nichols	Tupper
Cavness	Head	Niland	Uher
Christian	Hendricks	Nugent, J.	Vale
Clark	Hilliard	Ogg	Von Dohlen
Clayton	Holmes, T.	Orr	Ward
Coats	Holmes, Z.	Parker, C.	Wayne
Cobb	Howard	Parker, W.	Wieting
Cole	Hubenak	Patterson	Williams
Craddick	Hull	Pickens	Williamson
Cruz	Ingram	Poerner	Wyatt
Daniel	Jones, D.	Poff	
Davis, D.	Jones, E.	Presnal	
Davis, H.	Jones, G.	Price	

Absent

Allred	Johnson	Rodriguez	Wolff
Baker	Ligarde	Slack	

Absent-Excused

Heatly	McKissack
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A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for today on account of important business:

Mr. Heatly on motion of Mr. Cobb.

Mr. McKissack on motion of Mr. Sanchez.

MEMORIAL RESOLUTION ADOPTED

The following Memorial Resolution was adopted unanimously by a rising vote:

HSR 117, by Wayne, Christian, and Cates: In memory of Frank Henry Kimbrough.

On motion of Mr. Cates, the names of all the Members of the House were added to the resolution as signers thereof.

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 116, by Speaker Mutscher: Congratulating Mr. Paul Schwenke.

On motion of Mr. Kubiak, the names of all the Members of the House were added to the resolution as signers thereof.

Representatives Rodriguez and Baker entered the House and were announced present.

HOUSE JOINT RESOLUTION ON FIRST READING

The following House Joint Resolution was today laid before the House, read first time and referred to the Committee on Constitutional Amendments:

By Kaster, Niland, and Tupper:

HJR 34, A Joint Resolution proposing an Amendment to Article IX of the Texas Constitution by adding a Section 3 to provide for home rule powers and consolidation of powers for the City of El Paso and El Paso County upon local referendum.

HOUSE BILLS ON FIRST
READING

The following House Bills were today laid before the House, read first time and referred to Committees, as follows:

By Niland:

HB 537, A bill to be entitled An Act relating to the deferring of prosecution by the district court in felony drug cases for violators of a certain age; establishing procedures for implementing such a program; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Murray:

HB 538, A bill to be entitled An Act relating to a political subdivision

or tax supported institution authorizing the Attorney General to bring an action on its behalf to recover damages provided for by the federal antitrust laws, Title 15, United States Code; relating to the termination of the Attorney General's representation of political subdivisions or tax supported institutions; amending Section 15.40, Subchapter D, Chapter 15, Business and Commerce Code; and declaring an emergency.

Referred to Committee on Judiciary.

By Murray:

HB 539, A bill to be entitled An Act relating to the enforcement of agreements violating the prohibition against a monopoly, trust, or conspiracy in restraint of trade; amending Section 15.04, Subchapter A, Chapter 15, Business and Commerce Code; and declaring an emergency.

Referred to Committee on Judiciary.

By Clark, Cole, Blanton, Nichols, Uher, Ogg, Truan, Lovell, Rodriguez, Swanson, Cruz, Nelms, Gammage, Joe Allen, Braun, Williams, John Hannah, Johnson, Bigham, Denton, Haynes, Lombardino, Sanchez, and Schulle:

HB 540, A bill to be entitled An Act relating to the retention and distribution of records identifying persons arrested; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Coats:

HB 541, A bill to be entitled An Act relating to the protection of children from abuse and neglect; amending Chapter 117, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 695c-2, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Judiciary.

By Bigham:

HB 542, A bill to be entitled An Act relating to the engine size of a motorcycle, motor scooter, or motorized bicycle for which a special combination operator and commercial operator restricted license may be issued to any person between the ages 15 and 18 years; amending Section 4, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Highways and Roads.

By Salter:

HB 543, A bill to be entitled An Act repealing Section 3, Chapter 298, Acts of the 55th Legislature, Regular Session, 1957, (Article 1269L-3, Vernon's Texas Civil Statutes); removing the prohibition against using real property acquired under the Urban Renewal Law for public housing; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Salter:

HB 544, A bill to be entitled An Act relating to shooting on a public road; providing penalties; amending Article 480a, Penal Code of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Finnell:

HB 545, A bill to be entitled An Act relating to creating the office of district attorney for the 97th Judicial District; and declaring an emergency.

Referred to Committee on Appropriations.

By Wieting, G. Jones, Wyatt, Salem, and Newton:

HB 546, A bill to be entitled An Act relating to the creation, powers, duties, and procedures of a Catastrophe Property Insurance Pool; setting forth the purpose of such Act; naming such Act; defining certain terms; providing for the creation of the Texas Catastrophe Property Association; providing for the operation of the Texas Catastrophe Property Association; providing for eligibility; providing for rates, rating plans, and rate rules; providing for appeals; providing for immunity from liability; providing for indemnification; providing for annual reports; providing an effective date; repealing conflicting laws; providing for severability; and declaring an emergency.

Referred to Committee on Insurance.

By C. Parker:

HB 547, A bill to be entitled An Act to declare and prescribe rights, duties and obligations of public employers and some public employees and their representatives in matters of collective bargaining; to create a state labor relations board and provide for its jurisdiction, power, authority and functions; to make related provisions designed to effectuate the purposes of the Act; to provide severability, precedence over contrary laws and an effective date; and to declare an emergency.

Referred to Committee on State Affairs.

By Uher:

HB 548, A bill to be entitled An Act exempting from state college and university tuition and fees the dependent children of Texas military personnel missing in action or taken prisoner of war; and declaring an emergency.

Referred to Committee on Appropriations.

By Longoria, Sanchez, Cruz, Santiesteban, and Farenthold:

HB 549, A bill to be entitled An Act relating to the possession of cannabis, making the first offense a misdemeanor, providing penalties; amending Section 23, Chapter 169, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 725b, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Graves and Lombardino:

HB 550, A bill to be entitled An Act amending Section 23, Uniform Narcotic Drug Act, as amended (Article 725b, Vernon's Texas Penal Code), relating to penalties for violation of the Act; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Kaster, Niland, and Tupper:

HB 551, A bill to be entitled An Act permitting any county for which authorization to adopt a consolidated home rule charter is proposed as an amendment to the Constitution to hold an election for voting on the question of creating a charter commission and for electing citizens to serve on such commission; and declaring an emergency.

Referred to Committee on Counties.

By Daniel:

HB 552, A bill to be entitled An Act authorizing certain cities and towns of 600 population or less to accept and include within their boundaries recorded subdivisions within five miles of said cities and towns and which are not situated within the extraterritorial jurisdiction of another incorporated city or town upon request of a majority of the state qualified electors residing within any such subdivision voting therefor; authorizing said cities and towns to annex public roads, streets, highways and alleys; providing that this Act shall be cumulative of all existing laws; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Daniel:

HB 553, A bill to be entitled An Act validating the incorporation of cities and towns of 500 inhabitants or less heretofore incorporated under a special Act of the Legislature and thereafter adopting the provisions of Chapter 1 of Title 28 of the Revised Civil Statutes of Texas, 1925, as provided in Article 961, thereof; validating the boundary lines of all such towns or villages, including both boundary lines covered by the original incorporation and by any subsequent extension thereof; validating all governmental findings and proceedings thereof; providing that this Act shall not apply to any litigation pending on the effective date of the Act questioning the legality of any such governmental proceedings; containing a saving clause; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Hale:

HB 554, A bill to be entitled An Act amending Chapter 478, Acts 1951, 52nd Legislature, to provide that any navigation district which heretofore or hereafter shall have constructed, purchased or otherwise acquired, or shall plan to construct, purchase or otherwise acquire, any facility by the use of revenue obligations issued pursuant to the provisions of Chapter

III, Acts 1933, 43rd Legislature, First Called Session, as amended, may place the management of said facility in a Board of Trustees during the time such obligations or refunding obligations are secured by pledge of revenues; validating resolutions and indentures heretofore adopted creating such boards or making provisions therefor; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Traeger:

HB 555, A bill to be entitled An Act validating proceedings relating to the creation and establishment of the Guadalupe County Water Control and Improvement District Number One as well as the proceedings relating to the issuance of bonds by the said District; changing the name of the District to West Guadalupe County Utility District and prescribing additional powers for the District and the prescribing of the manner in which said District shall accomplish the purposes for which organized and established; making certain findings; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Hale, Daniel, Cobb, Braecklein, Finney, J. Nugent, D. Jones, Swanson, Ogg, Joe Allen, Gammage, Cruz, T. Moore, C. Parker, Daniel, Murray, Vale, Simmons, Price, Harris, D. Neugent, Clark, T. Bass, Lovell, Caldwell, B. Bass, Nelms, Haynes, Grant, Truan, Head, Ingram, Hawkins, Williams, Kubiak, Doyle, A. Moore, John Hannah, Denton, Sanchez, Ligarde, Stewart, Sherman, Hawn, Blanton, Reed, Z. Holmes, Longoria, G. Moore, Nabers, Wieting, Newton, Garcia, Finnell, Carrillo, Bowers, Earthman, Presnal, Clayton, Cates, Bynum, Rodriguez, Hull, Bigham, Allred, Hendricks, Niland, Moreno, Santiesteban, Farenthold, Tupper, Lewis, Moncrief, Short, Graves, Nichols, Braun, Stroud, Tarbox, Christian, Mengden, and Hilliard:

HB 556, A bill to be entitled An Act effecting reform in the trial of civil actions; establishing a system of comparative negligence and abolishing contributory negligence as a bar to recovery under certain conditions in civil suits by providing for recovery of damages on the basis of comparison of causal negligence; providing for the necessary procedures relative to instructions to the jury by the court of the law, the burden of proof, the effect of their answers and submission of issues; rendering of verdicts by a majority of nine members concurring; and the contribution to the award of damages in case of multiple defendants, repealing all laws in conflict therewith including Article 2212, Revised Civil Statutes of Texas, 1925; providing for severability; and declaring an emergency.

Referred to Committee on State Affairs.

By Poerner:

HB 557, A bill to be entitled An Act relating to the quarantine powers of the Texas Animal Health Commission; amending Section 5, Chapter 52, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 1525b, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Livestock.

Representatives Salter, Atwood, and Slack entered the House and were announced present.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following Message from the Governor:

February 16, 1971

Message to the House from Governor Preston Smith:

In my address to the Joint Session last month, I stated that I would have further recommendations to make, including some on water.

A copy of my recommendation is attached, and a copy will be delivered to each Member today.

Thank you very much.

Sincerely,
Signed: Preston Smith
Governor of Texas

WATER MESSAGE TO THE LEGISLATURE

Mr. Speaker of the House, Mr. President of the Senate, Members of the 62nd Legislature, Ladies and Gentlemen:

In my message to you on January 20, I made mention of the looming water shortage in our state.

I advised you that the Texas water problem was of such grave nature that it would be the subject of special attention.

For this purpose I submit this message to you today.

In my initial message to you, I recommended immediate action on two critically urgent facets of the Texas water problem.

I am extremely gratified that you have already voted on these important matters. You have, by passage of SJR 17, on February 5, provided that a Constitutional Amendment be put to the voters of Texas on May 18, 1971 to establish a 6% interest ceiling on water development bonds and to provide an additional \$100 million in bonds for water quality enhancement, sewage treatment facilities, as assistance to local and regional entities.

Successful adoption and implementation of this Constitutional Amendment, an important part of our State's responsibilities in water development, will provide immediate funds for Texas to move forward in solving our water problems.

Constitutional adjustment of the interest ceiling limitation will allow the

sale of \$100 million of water development bonds. These bonds would provide funds which must be used to assist local communities, regional areas and river basin agencies in financing urgently needed water projects, and I cite, for example, water supply projects, municipal and regional water distribution systems, and purchase of storage in reservoirs on our major rivers in order that they can be constructed to provide optimum capacity.

Along with increasing the interest rate ceiling on the present water development bonds there is a demanding need to provide additional uses of the fund so we can begin a true water action program for Texas now.

It is necessary that the State perform the function of monitor and recognize all of these as integral aspects of environmentally sound water development.

Constitutional authorization of \$100 million in waste treatment facility construction bonds will provide Texas' matching share and will insure Federal matching funds already allocated to eligible states as grants to local and regional entities for urgently needed waste treatment facilities and water reuse projects.

The immediate construction of water supply projects and water reuse projects will contribute significantly to increasing the utilization of our present water supplies and improving the environment in which we live. I urge your support and your recommendation to your constituents that this vital "clean water amendment" be overwhelmingly endorsed on May 18, 1971.

In connection with water resource development, I call to your attention the fact that heretofore the voters of Texas have approved the issuance of an additional \$200 million in water development bonds. These, however, have not yet been legislatively authorized by you. I urge you to accelerate an action-now water program in Texas by making these \$200 million available as an emergency measure to the Texas Water Development Fund for high priority water supply construction projects.

At the same time I recommend abolishing the restriction which limits the amount of money which can be provided by the fund to a single project. This would permit the State to participate in projects at a level commensurate with optimum and sound development. Certainly these funds will be needed to assist local and regional entities in constructing water development projects in the very near future, if Texas is to move ahead on water resource development.

Let me digress for just a moment to reemphasize my convictions concerning the Texas water program. Let me say to you here and now—I stand for and have always advocated the sound and orderly development of the water resources of this State—all of Texas—and I submit that the total efforts in this direction must be pursued on a practical, sound, and realistic basis.

I am fully aware that the solutions to the many problems of vastly different areas of Texas appear to be difficult and extremely complex. Nevertheless, the objectives are very simple—to provide adequate supplies of clean water to all users in Texas now and in the future at the lowest possible economic and social cost to the taxpayers, to the users now and to those in the future. Although our objectives are simple, the means for

accomplishing them are extremely complex. Our Texas Water Program must have some flexibility, acknowledging the possibility that all conditions and requirements are subject to change.

Without question, Texas has made great strides in its water development program over the past decade. We have capable water agencies at State, regional and local levels, which are working to solve the many problems attendant to providing these adequate supplies of good water. Money, of course, is a prime requisite, but there are also monetary needs in Texas for so many other functions, obligations, and responsibilities of our State government.

In my budget message to this Legislature I recommended holding the line on expenditures by State agencies, including those concerned with a State water program. This measure must not be construed to mean that I advocate any reduction or lessening in the effort of the overall Texas water program.

We must continue and in fact accelerate the implementation of the total water resources of this State by orderly development of available supplies and reuse of the existing supply. In this regard we must make use of—at the State level of government—the talents, knowledge, and professional experience of local and regional agencies to the fullest extent in order to reach the goals we have already established.

Let us all—I implore you—work together in this direction.

Now I would invite your attention to two matters—Federal matters which are directly related to our Texas water program.

I call your specific attention to a situation which has developed recently and which may well jeopardize future water project financing in Texas if relief is not forthcoming. A recent income tax ruling has initiated uncertainty in the realm of water facilities projects. The Federal Revenue and Expenditure Control Act of 1968 should be amended in order to restore water facilities to the historical classification as a public function. I would urge you to convey this serious matter to the Texas delegation in Congress by joint resolution.

I call your attention to another very serious matter, the implications of certain proposed federal land use policy legislation now being considered by Congress. We must begin now to address ourselves to the recognition of Texas' land use planning responsibility as it relates to all planning activities of the State, especially water resource development. Here again, I would urge you to convey to the Texas delegation in Congress our interest and concern in the proposed land use planning legislation with the request that our State's views be considered and included in any proposed Congressional land and water use planning legislation.

And now, let us come back to the present dilemma of getting on with a sound program for the development of Texas' water resources. There are many other matters and facets of water development that require and will continue to demand our very best collective thinking. You will have before you during this session many bills—many bills have already been introduced—many proposed solutions to the water development and environment enhancement problems of our State. You will be called on to deliberate on matters of solid waste disposal, septic tank regulation, pollu-

tion abatement, environmental protection, creation of new agencies, consolidation of existing agencies, and on and on. I do not recommend pro or con on any of these measures at this stage, yet I am fully aware that they, of necessity, must be considered in time by you and by me. I implore you to consider these matters most seriously and cautiously.

It would be superfluous for me to point out to you the inherent dangers of hasty actions, the consequences of which have not been fully considered.

In dealing with measures designed to protect the quality of environment, it is my belief that our greatest need is for the definition of an environmental policy for Texas. Such a policy should establish a center of conviction to be used to guide state agencies as they deal with problems of our State's environment. At this point in time, I suggest that the definition of such a policy and the improved coordination of existing agencies and programs is preferable to creating a new superagency to deal with environmental issues.

In this regard, I pledge to you my utmost help in finding the right and most acceptable solutions to these and all other water related matters.

President Nixon, in his proposed budget for the coming year, is recommending funding for continuation of studies to determine availability of surplus water in the Mississippi River and for its importation into Texas and New Mexico as envisioned in the Texas Water Plan. The first preliminary findings of the Mississippi River Commission's study are expected to be released this year. Information reaching me is that the findings will show there is surplus water in the Mississippi. I support the continuation of these studies by the U.S. Army Corps of Engineers and the Bureau of Reclamation and urge the close cooperation of the Texas Water Development Board, the Texas Water Quality Board and the Texas Water Rights Commission with these federal agencies.

In proceeding with in-state development of our water resources, I feel the time has come for us to implement many years of planning. We need desperately to begin a land acquisition program for reservoir sites. Land costs are continuing to rise and we are losing reservoir sites each year because of inflation and piecemeal development.

Along with land acquisition I suggest an immediate program of construction for vitally needed reservoirs. By moving ahead as fast as possible in the State, we can develop, in an orderly manner, an integrated system that will enable us to take full advantage of any source of water outside our state when it becomes available.

I appreciate having had the opportunity to send this water message to you, and I will close with this thought. Water is our life's blood. A decent environment means in the final analysis good water, ample water, clean water; and our waters can never be clean and ample unless full consideration is given at the same time to clean air and clean land. These three—land, air, water—are fixedly interrelated, and our attack on the continued degradation of all three must be carried out simultaneously. Land, air, water—the first letters which spell LAW; the preservation of these is so vitally important to all of us today.

So to you, the lawmakers, I say act wisely to preserve, protect, and develop our priceless natural resources of land, air, and water and the

products which flow therefrom—our soil, minerals, food, and life itself, the things which contribute to a healthy, happy Texas.

Let us work together to the end that future generations of our citizens will have abundant supplies of clean water for all beneficial uses so important to the continued viability of our great State and so much a part of the enhancement and well-being of our people.

Representatives Allred, Wolff, Johnson, and Blanton entered the House and were announced present.

MESSAGE FROM THE SENATE

Austin, Texas, February 16, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

SB 216, By Herring: Amending the Employees Retirement System.

SCR 22, By Snelson, Aikin: In memory of Former Senator Penrose B. Metcalfe.

SCR 24, By Herring: Inviting Governor Smith to address a Joint Session of the Texas Legislature on February 18, 1971.

SCR 25, By Herring: Inviting Astronauts to Capitol.

SCR 26, By Herring: Extending invitation to view Apollo 11 exhibit.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

Representative Ligarde entered the House and was announced present.

HSR 60—MOTION TO INSTRUCT COMMITTEE

Mr. Caldwell moved to instruct the Committee on House Administration to report on HSR 60 within seven calendar days.

Mr. McAlister moved to table the motion.

A record vote was requested by Representatives Caldwell, Nichols, Mengden, Blythe, Bowers, Lee, Earthman, and Edmund Jones.

The motion to table prevailed by the following vote:

Yeas—110

Adams	Finney	Lombardino	Schulle
Agnich	Floyd	Longoria	Semos
Allen, John	Foreman	Lovell	Sherman
Atwell	Gammage	McAlister	Short
Atwood	Garcia	Moncrief	Silber
Baker	Golman	Moore, A.	Simmons
Beckham	Hale	Moore, G.	Slack
Blanton	Hanna, Joe	Murray	Slider
Boyle	Harding	Nabers	Smith
Braecklein	Hawkins	Nelms	Solomon
Burgess	Hawn	Neugent, D.	Spurlock
Bynum	Haynes	Newton	Stewart
Calhoun	Hendricks	Niland	Stroud
Carrillo	Hilliard	Nugent, J.	Swanson
Cates	Holmes, T.	Ogg	Tarbox
Cavness	Hubenak	Orr	Traeger
Christian	Hull	Parker, C.	Tupper
Clark	Ingram	Parker, W.	Uher
Clayton	Johnson	Pickens	Von Dohlen
Coats	Jones, D.	Poerner	Ward
Cobb	Jones, G.	Poff	Wayne
Cole	Jungmichel	Presnal	Wieting
Craddick	Kaster	Price	Williams
Davis, D.	Kilpatrick	Rosson	Williamson
Davis, H.	Kost	Salem	Wolff
Doran	Lemmon	Salter	Wyatt
Doyle	Lewis	Sanchez	
Finnell	Ligarde	Santiesteban	

Nays—35

Allen, Joe	Cruz	Hannah, John	Moore, T.
Allred	Daniel	Harris	Moreno
Angly	Denton	Head	Nichols
Bass, B.	Dramberger	Holmes, Z.	Patterson
Bass, T.	Earthman	Howard	Reed
Blythe	Farenthold	Jones, E.	Rodriguez
Bowers	Finck	Kubiak	Truan
Braun	Grant	Lee	Vale
Caldwell	Graves	Mengden	

Present—Not Voting

Shannon

Absent

Bigham

Absent-Excused

Heatly

McKissack

REASON FOR VOTE ON MOTION TO INSTRUCT
SUBCOMMITTEE TO REPORT HSR 60

It is our opinion that the House should not intervene where there is pending litigation and investigation. It is also our further opinion that to vote otherwise would violate due process of law and the 5th Amendment to the United States Constitution.

Signed: Hendricks, Santiesteban, Beckham, Adams, Nabers, Burgess, Longoria, Hawn, and Williams.

HSR 75—ADOPTED

The Speaker laid before the House the following resolution on committee report:

HSR 75, Granting the National Forensic League permission to use the Hall of the House on March 20, 1971.

The resolution was adopted.

SCR 24—ADOPTED
(Mr. Smith—House Sponsor)

(Providing for a Joint Session to hear His Excellency Preston Smith, Governor of Texas on February 18)

The Speaker laid before the House the following resolution:

SCR 24

Be it Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Senate and the House of Representatives meet in Joint Session in the House of Representatives at 11 o'clock a.m., February 18; and, be it further

Resolved, That His Excellency, Preston Smith, Governor of the State of Texas, be, and he is hereby, invited to address the Regular Session of the 62nd Legislature in Joint Session at that time.

The resolution was read and was unanimously adopted.

HB 102 ON THIRD READING

The Speaker laid before the House on its third reading and final passage,

HB 102, Relating to date on which federal decennial census is to be recognized.

The bill was read third time and was passed by the following vote:

Yeas—126

Adams	Atwell	Beckham	Bowers
Agnich	Atwood	Bigham	Boyle
Allen, John	Baker	Blanton	Braecklein
Angly	Bass, B.	Blythe	Burgess

Bynum	Golman	Lovell	Schulle
Caldwell	Grant	McAlister	Semos
Calhoun	Hale	Mengden	Shannon
Carrillo	Hanna, Joe	Moncrief	Sherman
Cates	Hannah, John	Moore, A.	Short
Cavness	Harding	Moore, T.	Silber
Christian	Hawkins	Moreno	Simmons
Clark	Hawn	Murray	Slack
Clayton	Haynes	Nabers	Slider
Coats	Hendricks	Nelms	Solomon
Cobb	Hilliard	Neugent, D.	Spurlock
Cole	Holmes, T.	Newton	Stewart
Craddick	Holmes, Z.	Niland	Swanson
Cruz	Howard	Nugent, J.	Tarbox
Daniel	Hubenak	Orr	Traeger
Davis, D.	Hull	Parker, C.	Truan
Davis, H.	Ingram	Parker, W.	Tupper
Denton	Johnson	Pickens	Uher
Doran	Jones, G.	Poerner	Von Dohlen
Doyle	Jungmichel	Poff	Ward
Dramberger	Kaster	Presnal	Wayne
Earthman	Kilpatrick	Price	Wieting
Finck	Kost	Reed	Williams
Finnell	Lee	Rosson	Williamson
Finney	Lemmon	Salem	Wolff
Floyd	Lewis	Salter	Wyatt
Foreman	Ligarde	Sanchez	
Garcia	Lombardino	Santiesteban	

Nays—17

Allen, Joe	Graves	Nichols	Stroud
Allred	Harris	Ogg	Vale
Bass, T.	Head	Patterson	
Braun	Jones, E.	Rodriguez	
Farenthold	Kubiak	Smith	

Present—Not Voting

Longoria

Absent

Gammage Jones, D. Moore, G.

Absent-Excused

Heatly McKissack

Mr. Niland moved to reconsider the vote by which HB 102 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 332 ON THIRD READING /

The Speaker laid before the House on its third reading and final passage,

HB 332, To permit the Parks and Wildlife Department to prescribe rules applying to propagation in captivity of protected species.

The bill was read third time and was passed by the following vote:

Yeas—145

Adams	Denton	Jungmichel	Reed
Agnich	Doran	Kaster	Rodriguez
Allen, Joe	Doyle	Kilpatrick	Rosson
Allen, John	Dramberger	Kost	Salem
Allred	Earthman	Kubiak	Salter
Angly	Farenthold	Lee	Santiesteban
Atwell	Finck	Lemmon	Schulle
Atwood	Finnell	Lewis	Semos
Baker	Finney	Ligarde	Shannon
Bass, B.	Floyd	Lombardino	Sherman
Bass, T.	Foreman	Longoria	Silber
Beckham	Gammage	Lovell	Simmons
Bigham	Garcia	McAlister	Slack
Blanton	Golman	Mengden	Slider
Blythe	Grant	Moncrief	Smith
Bowers	Graves	Moore, A.	Solomon
Boyle	Hale	Moore, G.	Spurlock
Braecklein	Hanna, Joe	Moore, T.	Stewart
Braun	Hannah, John	Moreno	Stroud
Burgess	Harding	Murray	Swanson
Bynum	Harris	Nabers	Tarbox
Caldwell	Hawkins	Nelms	Traeger
Calhoun	Hawn	Neugent, D.	Truan
Carrillo	Haynes	Newton	Tupper
Cates	Head	Nichols	Uher
Cavness	Hendricks	Niland	Vale
Christian	Hilliard	Nugent, J.	Von Dohlen
Clark	Holmes, T.	Ogg	Ward
Clayton	Holmes, Z.	Orr	Wayne
Coats	Howard	Parker, C.	Wieting
Cobb	Hubenak	Parker, W.	Williams
Cole	Hull	Patterson	Williamson
Craddick	Ingram	Pickens	Wolff
Cruz	Johnson	Poerner	Wyatt
Daniel	Jones, D.	Poff	
Davis, D.	Jones, E.	Presnal	
Davis, H.	Jones, G.	Price	

Absent

Sanchez Short

Absent-Excused

Heatly McKissack

Mr. Foreman moved to reconsider the vote by which HB 332 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 357 ON THIRD READING

The Speaker laid before the House on its third reading and final passage,

HB 357, Repealing Article 191 which requires landowners to eliminate prairie dogs.

The bill was read third time.

Mr. Short offered the following amendment to HB 357:

Amend HB 357 by striking out Section 1 and insert the following:

"Section 1. Article 191, Revised Civil Statutes of Texas, 1925 is hereby amended to read as follows:

"Article 191. Prairie Dogs

Prairie dogs are hereby declared to be a public nuisance."

The amendment was adopted without objection.

HB 357, as amended, was passed by the following vote:

Yeas—121

Adams	Farenthold	Lee	Santiesteban
Allen, Joe	Finck	Lemmon	Schulle
Allen, John	Finnell	Ligarde	Semos
Allred	Floyd	Lombardino	Shannon
Angly	Foreman	Longoria	Short
Atwood	Gammage	Lovell	Silber
Bass, B.	Garcia	McAlister	Simmons
Bass, T.	Golman	Moncrief	Slack
Beckham	Grant	Moore, A.	Slider
Bigham	Graves	Moore, G.	Smith
Blythe	Hale	Moore, T.	Solomon
Boyle	Hannah, John	Murray	Spurlock
Burgess	Harding	Nabers	Stewart
Bynum	Harris	Nelms	Stroud
Caldwell	Hawkins	Neugent, D.	Swanson
Carrillo	Hawn	Nichols	Tarbox
Cates	Haynes	Niland	Traeger
Cavness	Head	Nugent, J.	Truan
Christian	Hendricks	Orr	Tupper
Clark	Hilliard	Parker, C.	Vale
Clayton	Holmes, Z.	Parker, W.	Von Dohlen
Cobb	Howard	Patterson	Ward
Cole	Hull	Pickens	Wayne
Craddick	Ingram	Poerner	Wieting
Cruz	Johnson	Poff	Williams
Daniel	Jones, D.	Presnal	Williamson
Davis, D.	Jones, E.	Price	Wolff
Davis, H.	Jones, G.	Reed	Wyatt
Doyle	Kaster	Rodriguez	
Dramberger	Kilpatrick	Rosson	
Earthman	Kubiak	Salem	

Nays—16

Agnich	Denton	Hubenak	Mengden
Atwell	Doran	Jungmichel	Moreno
Baker	Finney	Kost	Newton
Bowers	Holmes, T.	Lewis	Uher

Present—Not Voting

Blanton	Braun	Ogg	Sherman
Braecklein	Coats	Sanchez	

Absent

Calhoun	Hanna, Joe	Salter
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Absent-Excused

Heatly	McKissack
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HB 378 ON THIRD READING

The Speaker laid before the House on its third reading and final passage,

HB 378, Prohibiting the taking of certain wild animals with any .22 caliber jetgun or rocketgun.

The bill was read third and was passed.

Mr. Floyd moved to reconsider the vote by which HB 378 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 396 ON THIRD READING

The Speaker laid before the House on its third reading and final passage,

HB 396, To include armed forces personnel as eligible for resident hunting licenses.

The bill was read third time.

Mr. Traeger offered the following amendment to HB 396:

Amend HB 396, second printing, Section 1, Line 21, by deleting the words "three dollars and fifteen cents (\$3.15); fifteen cents (15¢)" and in lieu thereof insert the following "three dollars and twenty-five cents (\$3.25); twenty-five cents (25¢)" and on Line 22 right after word "collecting" delete the period (.) and insert the following words "except employees of the Texas Parks and Wildlife Department,"

The amendment was adopted without objection.

HB 396, as amended, was passed by the following vote:

Yeas—145

Adams	Doran	Kilpatrick	Rosson
Agnich	Doyle	Kost	Salem
Allen, Joe	Dramberger	Kubiak	Salter
Allen, John	Earthman	Lee	Sanchez
Allred	Farenthold	Lemmon	Santiesteban
Angly	Finck	Lewis	Schulle
Atwell	Finnell	Ligarde	Semos
Atwood	Finney	Lombardino	Shannon
Baker	Floyd	Longoria	Sherman
Bass, B.	Foreman	Lovell	Short
Bass, T.	Gammage	McAlister	Silber
Beckham	Garcia	Mengden	Simmons
Bigham	Golman	Moncrief	Slack
Blanton	Grant	Moore, A.	Slider
Blythe	Graves	Moore, G.	Smith
Bowers	Hale	Moore, T.	Solomon
Boyle	Hanna, Joe	Moreno	Spurlock
Braecklein	Harding	Murray	Stewart
Braun	Harris	Nabers	Stroud
Burgess	Hawkins	Nelms	Swanson
Bynum	Hawn	Neugent, D.	Tarbox
Caldwell	Haynes	Newton	Traeger
Carrillo	Head	Nichols	Truan
Cates	Hendricks	Niland	Tupper
Cavness	Hilliard	Nugent, J.	Uher
Christian	Holmes, T.	Ogg	Vale
Clark	Holmes, Z.	Orr	Von Dohlen
Clayton	Howard	Parker, C.	Ward
Coats	Hubenak	Parker, W.	Wayne
Cobb	Hull	Patterson	Wieting
Cole	Ingram	Pickens	Williams
Craddick	Johnson	Poerner	Williamson
Cruz	Jones, D.	Poff	Wolff
Daniel	Jones, E.	Presnal	Wyatt
Davis, D.	Jones, G.	Price	
Davis, H.	Jungmichel	Reed	
Denton	Kaster	Rodriguez	

Absent

Calhoun Hannah, John

Absent-Excused

Heatly McKissack

Mr. Harding moved to reconsider the vote by which HB 396 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 2 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 2, A bill to be entitled An Act relating to defining the jurisdiction of the County Court of Johnson County and the jurisdiction of the District Court of Johnson County, relating to prescribing the duties of the District Clerk and the County Attorney of Johnson County; amending Chapter 102, Acts of the 51st Legislature, Regular Session, 1949 (Article 1970-335, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to engrossment.

HB 2 ON THIRD READING

Mr. Ward moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 2 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—115

Allen, John	Finney	Lemmon	Rosson
Allred	Foreman	Lewis	Salem
Angly	Gammage	Ligarde	Sanchez
Atwell	Garcia	Lombardino	Santiesteban
Baker	Golman	Longoria	Schulle
Bass, T.	Grant	Lovell	Semos
Beckham	Hale	McAlister	Shannon
Bigham	Hanna, Joe	Moncrief	Short
Blanton	Harding	Moore, A.	Silber
Boyle	Harris	Moore, G.	Slack
Braecklein	Hawkins	Moore, T.	Slider
Braun	Hawn	Moreno	Smith
Burgess	Haynes	Murray	Solomon
Bynum	Head	Nabers	Spurlock
Carrillo	Hendricks	Nelms	Stewart
Cavness	Hilliard	Neugent, D.	Stroud
Clark	Holmes, T.	Newton	Swanson
Clayton	Holmes, Z.	Niland	Tarbox
Cobb	Howard	Ogg	Traeger
Cole	Hubenak	Orr	Truan
Craddick	Hull	Parker, C.	Tupper
Cruz	Ingram	Parker, W.	Uher
Daniel	Johnson	Patterson	Ward
Davis, D.	Jones, D.	Pickens	Wayne
Davis, H.	Jones, G.	Poerner	Wieting
Doyle	Jungmichel	Poff	Williams
Dramberger	Kaster	Presnal	Williamson
Farenthold	Kilpatrick	Price	Wyatt
Finnell	Kubiak	Reed	

Nays—25

Adams	Caldwell	Jones, E.	Simmons
Agnich	Coats	Lee	Vale
Allen, Joe	Doran	Mengden	Von Dohlen
Atwood	Earthman	Nichols	Wolff
Bass, B.	Finck	Nugent, J.	
Blythe	Floyd	Rodriguez	
Bowers	Graves	Sherman	

Absent

Calhoun	Christian	Hannah, John	Salter
Cates	Denton	Kost	

Absent-Excused

Heatly	McKissack
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The Speaker then laid HB 2 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—145

Adams	Doyle	Kilpatrick	Rosson
Agnich	Dramberger	Kost	Salem
Allen, Joe	Earthman	Kubiak	Salter
Allen, John	Farenthold	Lee	Sanchez
Allred	Finck	Lemmon	Santiesteban
Angly	Finnell	Lewis	Schulle
Atwell	Finney	Ligarde	Semos
Atwood	Floyd	Lombardino	Shannon
Baker	Foreman	Longoria	Sherman
Bass, B.	Gammage	Lovell	Short
Bass, T.	Garcia	McAlister	Silber
Beckham	Golman	Mengden	Simmons
Bigham	Grant	Moncrief	Slack
Blanton	Graves	Moore, A.	Slider
Blythe	Hale	Moore, G.	Smith
Bowers	Hanna, Joe	Moore, T.	Solomon
Boyle	Hannah, John	Moreno	Spurlock
Braecklein	Harding	Murray	Stewart
Braun	Harris	Nabers	Stroud
Burgess	Hawkins	Nelms	Swanson
Bynum	Hawn	Neugent, D.	Tarbox
Caldwell	Haynes	Newton	Traeger
Carrillo	Head	Nichols	Truan
Cates	Hendricks	Niland	Tupper
Cavness	Hilliard	Nugent, J.	Uher
Christian	Holmes, T.	Ogg	Vale
Clark	Holmes, Z.	Orr	Von Dohlen
Clayton	Howard	Parker, C.	Ward
Coats	Hubenak	Parker, W.	Wayne
Cobb	Hull	Patterson	Wieting
Cole	Ingram	Pickens	Williams
Craddick	Johnson	Poerner	Williamson
Cruz	Jones, D.	Poff	Wolff
Daniel	Jones, E.	Presnal	Wyatt
Davis, D.	Jones, G.	Price	
Davis, H.	Jungmichel	Reed	
Doran	Kaster	Rodriguez	

Absent

Calhoun	Denton
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Absent-Excused

Heatly McKissack

Mr. Ward moved to reconsider the vote by which HB 2 was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House and had read the following message from the Governor:

Austin, Texas
February 16, 1971

To the Members of the Sixty-second Legislature, Regular Session:

Pursuant to the provisions of Section 5 of Article III of the Constitution of the State of Texas, I herewith submit as an emergency matter the following:

A supplemental appropriation out of the Architects Registration Fund to the Texas Board of Architectural Examiners for the remainder of the fiscal year ending August 31, 1971.

Respectfully submitted,
Signed: Preston Smith
Governor of Texas

HB 37 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 37, A bill to be entitled An Act amending Article 1189, Revised Civil Statutes of Texas, 1925, relating to holding of elections for the consolidation of cities; providing for the holding of such elections in any such city upon a petition signed by one hundred qualified voters, and requiring that such election be held, with certain exceptions, when the petition is signed by qualified voters equal to fifteen per cent of the total vote cast at the preceding general election for city officials; providing that the consolidation election shall first be held in the city with the smallest population according to the last preceding federal census, and other provisions pertaining to the ordering and holding of the election; providing for the holding of such election in larger cities in inverse order of rank in population after the consolidation proposition has been approved by a majority of the voters in the smaller city or cities, and other provisions pertaining to the ordering and holding of such elections in the larger cities; providing that if the consolidation proposition is defeated in any city, the larger city or cities which have not held their election shall not order an election for consolidation; providing that if an election contest is filed in any such election, those cities which have not held the consolidation election may defer holding the election until the contest is finally terminated, and procedure where no contest is timely filed; providing that no consolidation election shall be held on the same identical proposition for a period of two years from the date of the defeat of such proposition in an election in any such city; providing that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed to

the extent of the conflict only; providing for severability; and declaring an emergency.

The bill was read second time and was passed to engrossment.

MOTION TO PLACE
HB 37 ON THIRD READING

Mr. Traeger moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 37 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—114

Adams	Davis, H.	Kubiak	Santiesteban
Allen, Joe	Doyle	Lemmon	Semos
Allen, John	Dramberger	Lewis	Shannon
Allred	Finnell	Ligarde	Sherman
Angly	Finney	Lombardino	Short
Atwell	Foreman	Longoria	Silber
Baker	Gammage	Lovell	Simmons
Bass, T.	Garcia	Moncrief	Slack
Beckham	Golman	Moore, A.	Slider
Bigham	Grant	Moore, G.	Smith
Blanton	Hale	Moreno	Solomon
Boyle	Hanna, Joe	Murray	Spurlock
Braecklein	Harding	Nabers	Stewart
Braun	Hawkins	Nelms	Stroud
Burgess	Hawn	Neugent, D.	Swanson
Bynum	Haynes	Newton	Tarbox
Calhoun	Head	Niland	Traeger
Carrillo	Hendricks	Ogg	Truan
Cates	Hilliard	Orr	Tupper
Cavness	Holmes, T.	Parker, C.	Uher
Christian	Holmes, Z.	Parker, W.	Von Dohlen
Clark	Howard	Patterson	Ward
Clayton	Hubenak	Poerner	Wayne
Cobb	Hull	Presnal	Wieting
Cole	Ingram	Price	Williams
Craddick	Johnson	Rosson	Williamson
Cruz	Jungmichel	Salem	Wyatt
Daniel	Kaster	Salter	
Davis, D.	Kost	Sanchez	

Nays—29

Agnich	Farenthold	Kilpatrick	Reed
Atwood	Finck	Lee	Rodriguez
Blythe	Floyd	McAlister	Schulle
Bowers	Graves	Mengden	Vale
Caldwell	Harris	Nichols	Wolff
Coats	Jones, D.	Nugent, J.	
Doran	Jones, E.	Pickens	
Earthman	Jones, G.	Poff	

Absent

Bass, B. Denton Hannah, John Moore, T.

Absent-Excused

Heatly McKissack

HB 283 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 283, A bill to be entitled An Act relating to a change in the method of computing deductions from wages and pensions for members of certain firemen and policemen's pension funds in certain cities; amending Sections 4, 8(a), 10, 11, 13, and 19, and Subsection (a), Section 15, Chapter 105, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6243f, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

Mr. Traeger offered the following committee amendment to HB 283:

Committee Amendment No. 1

Amend HB 283, first printing, as follows:

- (1) Insert a period after the word "service" on page 4, line 9.
- (2) Strike the words "or the average for all of his years of service if he has served less than five (5) full years.", on page 4, lines 9, 10, and 11.
- (3) Insert a period after the word "service" on page 4, line 14.
- (4) Strike the words "or the average for all of his years of service if he has served less than five (5) full years.", on page 4, lines 14 and 15.

The committee amendment was adopted without objection.

HB 283, as amended, was passed to engrossment.

HB 283 ON THIRD READING

Mr. Lombardino moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 283 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—119

Adams	Baker	Blanton	Burgess
Allen, Joe	Bass, B.	Blythe	Bynum
Allen, John	Bass, T.	Boyle	Caldwell
Allred	Beckham	Braecklein	Carrillo
Angly	Bigham	Braun	Cates

Cavness	Harris	Moncrief	Semos
Clark	Hawkins	Moore, A.	Shannon
Clayton	Hawn	Moore, G.	Short
Cobb	Haynes	Moore, T.	Silber
Cole	Head	Moreno	Simmons
Craddick	Hendricks	Murray	Slack
Cruz	Hilliard	Nabers	Slider
Daniel	Holmes, T.	Nelms	Smith
Davis, D.	Holmes, Z.	Neugent, D.	Solomon
Davis, H.	Howard	Newton	Spurlock
Denton	Hubenak	Nichols	Stewart
Doyle	Hull	Niland	Stroud
Dramberger	Ingram	Ogg	Swanson
Earthman	Johnson	Orr	Tarbox
Farenthold	Jones, G.	Parker, C.	Traeger
Finnell	Jungmichel	Parker, W.	Truan
Finney	Kaster	Poerner	Tupper
Foreman	Kilpatrick	Presnal	Vale
Gammage	Kost	Price	Von Dohlen
Garcia	Kubiak	Rodriguez	Ward
Golman	Lemmon	Rosson	Wieting
Grant	Lewis	Salem	Williams
Hale	Ligarde	Salter	Williamson
Hanna, Joe	Lombardino	Sanchez	Wyatt
Harding	Longoria	Santiesteban	

Nays—23

Agnich	Floyd	Mengden	Schulle
Atwood	Graves	Nugent, J.	Sherman
Bowers	Jones, E.	Patterson	Uher
Coats	Lee	Pickens	Wayne
Doran	Lovell	Poff	Wolff
Finck	McAlister	Reed	

Absent

Atwell	Christian	Hannah, John	Jones, D.
Calhoun			

Absent-Excused

Heatly	McKissack
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The Speaker then laid HB 283 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Lombardino moved to reconsider the vote by which HB 283 was passed and to table the motion to reconsider.

The motion to table prevailed.

SB 228 ON SECOND READING
(Mr. Burgess—House Sponsor)

Mr. Burgess moved that all necessary rules be suspended to take up and consider at this time, SB 228.

The motion prevailed.

The Speaker laid before the House on its second reading and passage to third reading,

SB 228, A bill to be entitled An Act providing for the creation of the San Augustine City-County Hospital District, with boundaries coextensive with those of San Augustine County, Texas; providing that the District shall receive the hospital facilities within the District and shall assume any outstanding debt of the City of San Augustine incurred for hospital purposes; providing for the appointment of directors of the District; prescribing a procedure for an election on the creation of such District and the levy of a tax for its maintenance, support, and payment of indebtedness; providing the powers of the District and its governing body and its procedures in the governing of said District; enacting other provisions incident and related to the subject and purpose and in accordance with the provisions of Section 9 of Article IX, Constitution of the State of Texas, providing a severance clause; and declaring an emergency.

The bill was read second time.

Mr. Hubenak offered the following committee amendments to SB 228:

Committee Amendment No. 1

Amend SB 228 to strike all of Subsection (d) of Section 3 and substitute the following:

(d) At such time as the creation of the District is approved and the returns of the election officially canvassed, the persons then serving as temporary directors shall become permanent directors and shall execute the constitutional oath of office as such. The three directors initially appointed by the governing body of the City of San Augustine shall draw by lot to determine which two are to serve for a term of two years and which one for a term of one year. In the same manner, the three directors initially appointed by the Commissioners Court of San Augustine County shall draw by lot to determine which two are to serve for a term of two years and which one for a term of one year. The director initially appointed by the Commissioners Court and the governing body of the City of San Augustine, acting together as an appointive body, shall automatically be accorded a term of two years. Thereafter, at the expiration of each term of office of the members so appointed to serve as directors of the District, the Commissioners Court and the governing body of the City of San Augustine and the two groups acting together as an appointive body shall each respectively make, and continue to make, similar appointments for a term of office of two years each. Any vacancy occurring during the term of office of any member, whether by resignation or by death, shall be filled for the unexpired portion of such term by the particular appointive body previously making the appointment of the resigning or deceased member. Each member of the Board of Directors shall execute a good and sufficient bond for the amount of \$1,000 payable to said District conditioned upon the faithful performance of his duties, and each bond shall be purchased at the expense of the District.

Committee Amendment No. 2

Amend Section 4A by striking out the words "property-taxpaying" in line 6 and line 11.

Committee Amendment No. 3

Amend Section 4B by striking out the words "property-taxpaying" in line 2 and line 9.

Committee Amendment No. 4

Amend Section 4D by striking out the words "property-taxpaying" in line 3.

The committee amendments were severally adopted without objection.

Mr. Burgess offered the following amendment to SB 228:

Amend Section 5 of SB 228 by striking the words "and treatment" on line 47 of Section 5.

The amendment was adopted without objection.

SB 228, as amended, was passed to third reading.

SB 228 ON THIRD READING

Mr. Burgess moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 228 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—123

Adams	Cruz	Hilliard	Newton
Allen, Joe	Daniel	Holmes, T.	Niland
Allen, John	Davis, D.	Holmes, Z.	Ogg
Allred	Davis, H.	Howard	Orr
Angly	Denton	Hubenak	Parker, C.
Baker	Doyle	Hull	Parker, W.
Bass, B.	Dramberger	Ingram	Patterson
Bass, T.	Earthman	Johnson	Pickens
Beckham	Farenthold	Jones, G.	Poerner
Blythe	Finck	Jungmichel	Presnal
Bowers	Finnell	Kost	Price
Boyle	Foreman	Kubiak	Reed
Braecklein	Gammage	Lemmon	Rosson
Braun	Garcia	Ligarde	Salem
Burgess	Golman	Lombardino	Salter
Bynum	Grant	Longoria	Sanchez
Caldwell	Hale	Lovell	Santiesteban
Cates	Hanna, Joe	Mengden	Schulle
Cavness	Hannah, John	Moncrief	Semos
Christian	Harding	Moore, A.	Shannon
Clark	Harris	Moore, G.	Sherman
Clayton	Hawkins	Moore, T.	Short
Coats	Hawn	Murray	Silber
Cobb	Haynes	Nabers	Simmons
Cole	Head	Nelms	Slack
Craddick	Hendricks	Neugent, D.	Slider

Smith	Swanson	Uher	Wieting
Solomon	Tarbox	Vale	Williams
Spurlock	Traeger	Von Dohlen	Williamson
Stewart	Truan	Ward	Wyatt
Stroud	Tupper	Wayne	

Nays—11

Agnich	Graves	McAlister	Poff
Doran	Jones, E.	Nichols	Wolff
Floyd	Kaster	Nugent, J.	

Absent

Atwell	Calhoun	Kilpatrick	Rodriguez
Atwood	Carrillo	Lee	
Bigham	Finney	Lewis	
Blanton	Jones, D.	Moreno	

Absent-Excused

Heatly	McKissack
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The Speaker then laid SB 228 before the House on third reading and final passage.

The bill was read third time.

On motion of Mr. Burgess, and by unanimous consent, the caption of SB 228 was ordered amended to conform with the body of the bill.

SB 228 was passed by the following vote:

Yeas—142

Adams	Cates	Foreman	Ingram
Agnich	Cavness	Gammage	Johnson
Allen, Joe	Christian	Garcia	Jones, D.
Allen, John	Clark	Golman	Jones, E.
Allred	Clayton	Grant	Jones, G.
Angly	Coats	Graves	Jungmichel
Atwell	Cobb	Hale	Kaster
Atwood	Cole	Hanna, Joe	Kost
Baker	Craddick	Hannah, John	Kubiak
Bass, B.	Cruz	Harding	Lee
Bass, T.	Daniel	Harris	Lemmon
Beckham	Davis, D.	Hawkins	Lewis
Blanton	Davis, H.	Hawn	Ligarde
Blythe	Denton	Haynes	Lombardino
Bowers	Doran	Head	Longoria
Boyle	Dramberger	Hendricks	Lovell
Braecklein	Earthman	Hilliard	McAlister
Braun	Farenthold	Holmes, T.	Mengden
Burgess	Finck	Holmes, Z.	Moncrief
Bynum	Finnell	Howard	Moore, A.
Caldwell	Finney	Hubenak	Moore, G.
Carrillo	Floyd	Hull	Moore, T.

Moreno	Pickens	Sherman	Truan
Murray	Poerner	Short	Tupper
Nabers	Poff	Silber	Uher
Nelms	Presnal	Simmons	Vale
Neugent, D.	Price	Slack	Von Dohlen
Newton	Reed	Slider	Ward
Nichols	Rosson	Smith	Wayne
Niland	Salem	Solomon	Wieting
Nugent, J.	Salter	Spurlock	Williams
Ogg	Sanchez	Stewart	Williamson
Orr	Santiesteban	Stroud	Wolff
Parker, C.	Schulle	Swanson	Wyatt
Parker, W.	Semos	Tarbox	
Patterson	Shannon	Traeger	

Absent

Bigham	Doyle	Kilpatrick	Rodriguez
Calhoun			

Absent-Excused

Heatly	McKissack
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Mr. Burgess moved to reconsider the vote by which SB 228 was passed and to table the motion to reconsider.

The motion to table prevailed.

HB 431 LAID ON THE TABLE SUBJECT TO CALL

Mr. Burgess moved that HB 431 be laid on the table subject to call.

There was no objection offered and it was so ordered.

COAUTHORS OF HOUSE BILLS

Mrs. Farenthold was granted permission by the author of HB 56 to sign the bill as coauthor.

Mr. Wayne and Mr. Tarbox were granted permission by the author of HB 58 to sign the bill as coauthors.

Mr. Bowers was granted permission by the author of HB 149 and by the author of HB 240 to sign the bills as coauthor.

ADJOURNMENT

Mr. Slider moved that the House adjourn until 10:00 a.m. tomorrow.

The motion prevailed without objection.

The House accordingly, at 11:44 a.m., adjourned until 10:00 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by Committees on bills and resolutions, as follows:

Appropriations: HB 499, SB 256.

Engrossed and Enrolled Bills: Correctly engrossed—HCR 40, HB 102, HB 332, HB 357, HB 378, HB 396.

House Administration: HSR 75.

Judiciary: HB 198.

State Affairs: HB 216.

SENT TO THE GOVERNOR

February 15, 1971

HCR 35

HCR 36

TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 17, 1971

The House met at 10:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Carrillo	Foreman	Ingram
Adams	Cates	Gammage	Johnson
Agnich	Cavness	Garcia	Jones, D.
Allen, Joe	Christian	Golman	Jones, E.
Allen, John	Clayton	Grant	Jones, G.
Allred	Cobb	Hale	Jungmichel
Angly	Cole	Hanna, Joe	Kaster
Atwood	Craddick	Harding	Kilpatrick
Baker	Cruz	Harris	Kost
Bass, B.	Daniel	Hawkins	Kubiak
Bass, T.	Davis, D.	Hawn	Lee
Beckham	Davis, H.	Haynes	Lemmon
Blanton	Denton	Head	Lewis
Blythe	Doran	Heatly	Lombardino
Bowers	Doyle	Hendricks	Longoria
Boyle	Dramberger	Hilliard	McAlister
Braecklein	Earthman	Holmes, T.	McKissack
Burgess	Finck	Holmes, Z.	Mengden
Bynum	Finnell	Howard	Moncrief
Caldwell	Finney	Hubenak	Moore, A.
Calhoun	Floyd	Hull	Moore, G.